

**OFFICE OF THE MAYOR
ADMINISTRATIVE ORDER 2002-5**

**AN ADMINISTRATIVE ORDER ESTABLISHING THE MAYOR'S
CLEAN WATER ADVISORY PANEL TO PROVIDE TO THE
MAYOR TECHNICAL ADVICE REGARDING THE CITY'S
"AUTHORIZED PLAN" TO REDUCE COMBINED SEWER
OVERFLOWS.**

WHEREAS, in 1995 a federal lawsuit was filed against the City of Atlanta alleging, amount other things, that the City was violating water quality standards due to spills from its combined sewer system; and

WHEREAS, approximately 15% of the sewer system of the City of Atlanta – located primarily in the central core of the city and surrounding areas – is a combined system in which sanitary sewage and storm water are combined into one sewer pipe; and

WHEREAS, presently the City's combined system overflows about 60 times per year, resulting in spills of screened and chlorinated sewage and storm water directly into neighborhood streams and, ultimately, the Chattahoochee and South Rivers; and

WHEREAS, the federal district court has entered an order (known as the Consent Decree) directing the City to reduce the number of combined sewer overflows to an average of four or less per year, bringing Atlanta into compliance with federal and state water quality standards, as well as national Environmental Protection Agency policy; and

WHEREAS, the Consent Decree requires the City to meet water quality standards and to reduce overflows no later than November, 2007; and

WHEREAS, from 1998-2001 the City developed a comprehensive Remedial Measures Report and identified a preferred option to meet all requirements of the Consent Decree, including water quality standards and time limitations; and

WHEREAS, the Remedial Measures preferred option was authorized in July, 2001 by the Environmental Protection Agency and the Environmental Protection Division of the State of Georgia; and

WHEREAS, the "Authorized Plan" calls for (1) the construction of two deep tunnels to store combined sewer overflows and convey them to dedicated treatment facilities for near secondary treatment prior to discharge into the Chattahoochee and South Rivers and (2) the separation of at least 27% of the presently combined sewer system (resulting in a City-wide sewer system that is 90% separated); and

WHEREAS, the Authorized Plan is estimated to cost approximately \$950 million, representing a substantial investment on the part of the City; and

WHEREAS, the implementation of the Authorized Plan has significant impacts on the City's water quality; on the City's long-term sewer and storm water infrastructure; on water and sewer rates; on the overall affordability of living in the City; and on the ability of the City to accommodate long term growth; and

WHEREAS, the City considered numerous alternative plans in the course of developing the authorized plan, each with its own benefits and costs; and

WHEREAS, the Mayor seeks an independent review of the Authorized Plan by a panel of nationally known experts to provide a technical evaluation of the Plan;

NOW, THEREFORE, BY THE POWER VESTED IN ME AS MAYOR OF THE CITY OF ATLANTA, pursuant to the City of Atlanta Charter, 1996 Ga. Laws p. 4469 et seq., Appendix IV, Section 4(1), it is hereby ordered as follows:

1. I hereby establish an independent review panel to be known as "The Mayor's Clean Water Advisory Panel" (hereafter, "the Panel"). The panel shall consist of nine members known for expertise in municipal water or wastewater issues, environmental engineering, civil engineering or public health related sciences.
2. Dr. Wayne Clough, president of The Georgia Institute of Technology, shall chair The Mayor's Clean Water Advisory Panel. Dr. Clough shall select all members of the Panel consistent with the criteria listed above.
3. The Panel shall advise the Mayor on technical issues related to the City's Plan to address its combined sewer overflows.
4. The Panel shall thoroughly review all aspects of the City's current Plan for meeting the requirements of the federal Consent Decree regarding combined sewer overflows, including its effectiveness in meeting federal and state water quality requirements and the time for implementation. The Panel shall also thoroughly review the cost of the Plan and its effectiveness in meeting the City's long-term infrastructure needs.
5. The Panel shall thoroughly review any modifications to the Plan that may be proposed by the City as a result of its current pre-design (refinement) process. Such review shall focus on the technical and scientific merit of the modifications, as well as the reasonableness of cost estimates and completion times.
6. The Panel shall compare the City's current Plan to alternative methods of achieving the requirements of the federal Consent Decree, including full sewer separation. Alternatives shall be compared to the current plan in terms of cost, water quality standards, time of implementation and effectiveness in meeting the City's long-term infrastructure needs.

7. The Panel shall consider any non-technical issues related to the Plan and its alternatives as deemed appropriate by the Panel.
8. The Panel shall meet periodically as determined by the Chair, and findings shall be communicated to the Mayor as the Panel deems appropriate. A preliminary report shall be made no later than September 15, 2002.
9. The Panel shall provide notification of its meetings to the public, and minutes of the meetings shall be made available to the public through a web site or other means of distribution designed to make them readily accessible. Any presentations of information to the Panel shall be made by invitation of the Panel.
10. The Panel shall conclude its work no later than one year from the date of this Administrative Order.

SO ORDERED this 26 day of June, 2002.

Shirley Franklin
Mayor